IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

APPEAL FROM ORDER NO. 848 OF 2004

Office Notes, Office Memoranda of of Coram, appearances, Court's orders and Registrar's orders : Court's or Judge's orders

---

Mr. Rajeev Matkar for the appellant.

Mr. Arif Bookwala i/by S. Ashwinikumar & Co. for the respondents 1 & 2.

Mr. D.H. Mehta i/by Pravin Mehta & Co. for the respondent No.3.

Mr. A. Ardeshir for the respondent No.4.

CORAM: P.V. KAKADE, J.

DATED: 24TH SEPT., 2004

P.C.:

1. Heard learned advocates for the parties. Perused the record.

2. Rule. Rule made returnable forthwith.

3. The order dated 9.9.2004 is impugned in this appeal by the plaintiff-appellant. Perusal of the order of the lower Court shows that, after hearing of the parties concerned, the Court found that all the particulars and details were necessarily to be brought on record and for that purpose the defendants were required to file the reply and till the

reply is filed, no injunction in terms of prayers was possible to be granted. The learned advocate for the appellant took me through the impugned agreement between the parties as well as certain photographs showing that the police aid was called and builder's representative was present alongwith the Chairman of the Society. It was submitted that in the Special Body meeting there was no necessity of presence of the builder's representative or builders i.e. defendants 1 & 2. In this regard the lower Court has observed that the directions which are required to be given are that the Society - defendant No.4, will invite the defendant 1 or 2 only for discussion by issuing letters to defendants 1 or 2 as to what way he will be participating in the meeting and no other directions for preventing them to attend the meeting could be issued as the subject is related to the defendant No. 1 or 2 only.

4. In view of this position and the direction of the lower Court, it is not necessary to go into the details of the dispute at this stage in this appeal. The

ends of justice would be meet if the lower Court is directed to hear the notice of motion expeditiously within time bound programme on merits.

Hence, it is directed that the lower Court shall hear the motion as early as possible and in any case within two months from the date of this order, after giving opportunity to all the concerned parties to file their affidavits, replies and documents, if any.

With this direction, the appeal stands disposed of with no order as to costs.

.....